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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,628	03/20/2001	David Lawrence	3499-92	1331

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EXAMINER	
LIVERSEDGE, JENNIFER L	

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/812,628	LAWRENCE, DAVID	
	Examiner	Art Unit	
	Jennifer Liversedge	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/25/2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/812,628 filed March 11, 2006. The amendment contains the following:

The amendment contains original claims: 18-19

The amendment contains amended claims: 1, 16, 20

The amendment contains previously presented claims: 2-15, 17

The amendment contains canceled claims: 21-22

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-9, 11 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number US 2003/0135457 A1 to Stewart et al. (further referred to as Stewart).

Regarding claim 1, Stewart discloses a computer-implemented method (paragraphs 6, 7 and 9) to manage risk (paragraphs 20 and 49) related to opening a client account (paragraphs 7 and 9), the method comprising receiving digital information (paragraph 7) into a computer system relating to a client seeking to open the client account (paragraphs 7, 9 and 17); structuring the received digital information to a risk quotient criteria (paragraphs 43 and 45) associated with reputational risk of opening the client account (paragraphs 7, 19-20); associating a weight with the risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that logistic-regression modeling uses weights for making predictions); calculating a risk quotient based on the structured information and the weight associated with the risk quotient criteria (paragraphs 20 and 49); and generating a suggested action in response to the calculated risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the

determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Regarding claim 2, Stewart discloses a method further comprising storing data comprising the received information, the risk quotient, and the suggested action in a risk quotient criteria database (paragraphs 45 and 56); and generating a due diligence report based upon the stored data (paragraph 56).

Regarding claim 3, Steward discloses a method wherein the due diligence report comprises a history of inquiries made relating to the client account and actions taken responsive to the risk quotient (paragraph 56).

Regarding claim 5, Stewart discloses the method wherein the received information is received from a source of electronic data (paragraphs 17 and 18).

Regarding claim 6, Steward discloses the method wherein the suggested action is responsive to the received information (paragraphs 18, 20, 49 and 50).

Regarding claim 7, Stewart discloses the method wherein the suggested action is directed towards reducing at least one of a financial, legal, regulatory, and reputational risk associated with the client account (paragraphs 7, 17-21, 43 and 49).

Regarding claim 8, Stewart discloses the method wherein the suggested action comprises blocking an opening of the client account (paragraph 49).

Regarding claim 9, Stewart discloses the method wherein the suggested action comprises notifying an authority concerning the received information (paragraph 49).

Regarding claim 11, Stewart discloses the method further comprising performing a calculation on the risk assumed by a financial institution as represented by the risk quotient (paragraphs 49 and 61 claim 5).

Regarding claim 20, Stewart discloses a computer executable program code residing on a computer-readable medium, the program code comprising instructions for causing the computer to receive digital information (paragraph 7) into the computer relating to a client account (paragraphs 7, 9 and 17); structure the received digital information according to a risk quotient criteria (paragraphs 43 and 45) associated with reputational risk of opening the client account (paragraphs 7, 17-20); associate a weight with the risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that logistic-regression modeling uses weights for making predictions); calculate a risk quotient based on the structured information and the weight associated with the risk quotient criteria (paragraphs 20 and 49); and generate a suggested action in response to the calculated risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in

a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Claims 4, 10, 14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, and further in view of U.S. Patent Number US 2002/0143686 A1 to Greene et al. (further referred to as Greene).

Regarding claim 4, Stewart does not disclose the method further comprising presenting a graphical user interface to a network access device; displaying questions relating to the client account on the graphical user interface; and receiving information into the computer system responsive to the questions displayed.

However, Greene discloses the method further comprising presenting a graphical user interface to a network access device; displaying questions relating to the client account on the graphical user interface; and receiving information into the computer system responsive to the questions displayed (paragraph 24).

It would be obvious to one of ordinary skill in the art to combine the graphical user interface for providing customer interaction as disclosed by Greene with the on-line computer method as disclosed by Stewart. The motivation would be to use the commonly implemented graphical user interface (GUI) tool with a browser to create a method of ease for customers interfacing with the browser while applying for a new account.

Regarding claim 10, Stewart does not disclose the method wherein the received information is received electronically from an external database. However, Greene discloses the method wherein the received information is received electronically from an external database (paragraph 26). It would be obvious to one of ordinary skill in the art to combine receiving information from a database as discloses by Greene with the account opening method as disclosed by Stewart. The motivation would be to use the established technique of storing and transferring data as stored in databases in order to exchange client related data from the database instead of being entered by the client wishing to open the account.

Regarding claim 14, Stewart does not disclose the method wherein at least a portion of the received information is received in a pre-structured format. However, Greene discloses the method wherein at least a portion of the received information is received in a pre-structured format (paragraphs 24, 25 and 26).

It would be obvious to one of ordinary skill in the art to combine the method of receiving information in a pre-structured format as disclosed by Greene with the method of receiving client information as disclosed by Stewart. The motivation would be to receive information which would not require formatting following input.

Regarding claim 16, Stewart discloses a computerized system (paragraphs 6, 7 and 9) for managing risk (paragraphs 20 and 49) associated with opening a client account (paragraphs 7 and 9).

Stewart does not disclose a computer server accessible with a network access device via a communications network. However, Greene discloses a computer server accessible with a network access device via a communications network (paragraphs 20 – 26). It would be obvious to one of ordinary skill in the art to combine the computer server and network as disclosed by Greene with the on-line client account opening computer system as disclosed by Stewart. The motivation would be to utilize computer servers and networks as standard known technology in the computer field for communicating across organizations for account authorization.

Stewart discloses executable software executable on demand (paragraph 17), the software operative to cause the system to receive digital information (paragraph 7) relating to the client account (paragraphs 7, 9 and 17); structure the received information according to risk quotient criteria associated with reputational risk of opening the client account (paragraphs 7, 17-20); associate a weight with the calculated risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that

logistic-regression modeling uses weights for making predictions); calculate a risk quotient based on the structured information and the weight associated with the risk quotient criteria (paragraphs 20 and 49); and generate a suggested action in response to the risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower,

where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Regarding claim 17, Stewart discloses the computerized system wherein the software is further operative to cause the system to store data in a risk quotient criteria database, wherein the stored data includes the received information, the risk quotient, and the suggested action (paragraphs 45 and 56); and generate a due diligence report based upon the stored data (paragraph 56).

Regarding claims 18 and 19, Stewart does not disclose the computerized system wherein the network access device is a personal computer or a wireless handheld device. However, Stewart does disclose the computerized system using the internet such that any user with access to the internet can obtain access to the system (paragraphs 4, 6, 7 and 9). It would be obvious to one of ordinary skill in the art that both personal computers and wireless handless devices would be included within the set of devices by which a client would access the internet. The motivation would be to include both traditional desktop devices as well as portable devices for accessing the computerized system.

Claims 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart as applied to claim 1 above, and further in view of Dictionary of Economics by Wiley (1995) from www.xreferplus.com (further referred to as xreferplus).

Regarding claim 12, Steward does not disclose the method further comprising aggregating a plurality of the risk quotients in order to calculate a total risk quotient representative of a total risk assumed by a financial institution. However, xreferplus discloses the method further comprising aggregating a plurality of the "risk quotients" in order to calculate a total "risk quotient" representative of a total risk assumed by a "financial institution" (page 1, lines 1 – 45 and page 2, lines 1-2). The method disclosed is that of determining a weighted average, which xreferplus defines, is that of combining a plurality of values in order to calculate a total value.

It would be obvious to combine the weighted average method as disclosed by xreferplus with the means of calculating a risk quotient as disclosed by Stewart in that the logistic-regression model as disclosed by Stewart uses weights in calculating values though Stewart does not discuss in detail the mathematical calculations involved within the disclosed logistic-regression model. The motivation would be to use established mathematical equations and models of combining factors in order to determine an aggregate value based on those factors.

Regarding claim 13, Steward does not disclose the method further comprising calculating an average risk quotient based on a plurality of the risk quotients. However, xreferplus discloses the method further comprising calculating an average risk quotient based on a plurality of the risk quotients (page 1, lines 1 – 45 and page 2, lines 1-2).

The reasoning for combining xreferplus and Stewart as well as the motivation are the same as discussed in claim 12 regarding weighted average calculations.

Regarding claim 15, Stewart does not disclose the method wherein the risk quotient is calculated by multiplying a numerical value representative of a risk associated with the risk criteria times a numerical value indicative of a category weighting. However, xreferplus discloses the method wherein the risk quotient is calculated by multiplying a numerical value representative of a risk associated with the risk criteria times a numerical value indicative of a category weighting (page 1, lines 1 – 45 and page 2, lines 1-2).

The reasoning for combining xreferplus and Stewart as well as the motivation are the same as discussed in claim 12 regarding weighted average calculations.

Response to Arguments

Applicant's amendments and remarks have been considered. Examiner cites the arguments presented in the 35 USC § 103 rejections addressing claims 1, 16 and 20. While Stewart does not specifically disclose reputation risk related to professional standing in an industry as one factor in account opening, Stewart does disclose reputation, as reflected in one's credit score and credit rating, etc. The practice of knowing a colleague in the industry and making decisions about when and how to participate with that individual based on that information is old and well known. Commonly referred to as "the good ole' boy network", or more recently simply as

"networking", the concept is that people know people in their industry and maintain a professional reputation which is translated into a reputation risk when one contemplates entering into an business or personal transaction. That risk can be one of many factors used, and can be quantified should be choose to make a weighted equation of those factors. This practice is old an well known.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3628

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